

May 4, 1983

LB 209

SENATOR DeCAMP: Question.

SPEAKER NICHOL: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

ASSISTANT CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

SPEAKER NICHOL: Debate has ceased. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, Senator Goodrich does not understand this bill clearly. He does not understand my amendment. He just walked by and agreed that he doesn't understand it. I am not talking about lines 18 through 24. That is what I was agreeing to leave in the bill. I am talking about the language above that, so he doesn't even know what I am referring to. The language I am talking about is this. Any such rule shall be binding on all students, school officials, board members and hearing examiners. That means that the board cannot change the outcome in a specific case because it is mandatory. What Senator Goodrich is suggesting is that if the school board doesn't like the outcome in a particular case because it is unjust when you consider all of the circumstances, then the school board meets as a board and revamps the rule, in the same way that if the Legislature doesn't like a law, we repeal it. But if you repeal a criminal law, you don't repeal everything that happened prior to that law. So it is not going to impact on the cases that were handled prior to the repeal of the law. So if the school board once puts a rule in place and establishes these mandatory punishments, then there can be no change in the outcome of that specific case because the rule which imposed that punishment, the mandatory one, is binding on the school board, the school officials and the hearing examiner. So let me give you a scenario, Senator Goodrich, so you may follow what I am saying and not misunderstand. A child may engage in some conduct which the school board has labeled to be an infraction. So the punishment is automatically imposed. The child's parents appeal to the hearing officer or to the school board. The school board or the hearing officer will listen and say, well, yes, under these circumstances that punishment ought not be imposed, but they cannot change the punishment, because once it is determined that the child engaged in that conduct, that's it. The rule is binding on the school board and they cannot change the outcome. That is the way the